

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

v.

DABB LIQUOR INCORPORATED dba  
P J Market, et al.,

Defendants.

No. 1:22-cv-0485 JLT SKO

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DECLINING  
SUPPLEMENTAL JURISDICTION OVER  
STATE LAW CLAIMS**

(Doc. 17)

Darren Gilbert seeks to hold the defendants liable for violations of Title III of the Americans with Disabilities Act, California's Unruh Act, and California Health and Safety Code §§ 19955, 19959. (Doc. 1.) Following an order to show cause addressing jurisdiction, the assigned magistrate judge issued Findings and Recommendations, recommending the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss the claims without prejudice pursuant to 28 U.S.C. § 1367(c)(4). (Doc. 17.)

The Findings and Recommendations were served on Plaintiff<sup>1</sup> on April 14, 2023. Plaintiff was informed any objections must be filed within 14 days of the date of service. (Doc. 17 at 7.) In addition, Plaintiff was informed "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) No objections were filed, and the time to do so has expired.

---

<sup>1</sup> Defendants have not appeared in this action and default has been entered by the Clerk of Court. (Docs. 10, 11.)

1 According to 28 U.S.C. § 636(b)(1)(c), this Court conducted a *de novo* review of the case.  
2 Having carefully reviewed the entire matter, the Court concludes that the Findings and  
3 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on April 14, 2023 (Doc. 17) are  
5 **ADOPTED** in full.
- 6 2. The Court **DECLINES** to exercise supplemental jurisdiction over Plaintiff's  
7 claims arising under California's Unruh Act and Health & Safety Code.
- 8 3. Plaintiff's claims for violations of the Unruh Act and Cal. Health & Safety Code  
9 § 19955 and § 19959 are **DISMISSED** without prejudice.
- 10 4. This matter is referred to the magistrate judge for further proceedings.

11  
12 IT IS SO ORDERED.

13 Dated: **May 5, 2023**

  
UNITED STATES DISTRICT JUDGE